

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

FELICIA S. HENDRICKS,

Plaintiff,

VS.

WARREN MCDONNELL, et al.,

Defendants.

2:05-CV-714-F

DEFENDANTS' OBJECTIONS TO PLAINTIFF'S EXHIBIT LIST

COMES NOW, the Defendants, by and through their undersigned counsel, and files their objections to the Plaintiff's exhibits as follows:

A. The Defendants object to any and all exhibits as listed in a document called "Plaintiff's Exhibit List"(see attached) received by the Defendants by facsimile at 11:21 pm on August 28, 2006. The objections are as follows:

1. Plaintiff's personnel file : No objection
2. Plaintiff's institutional file: Objection. Defendants do not know what the Plaintiff is referring in this instance and as such, objects to it as being hearsay, self-serving, irrelevant, immaterial.
3. Witnesses Statements given to investigators: Objection as they are hearsay, self-serving, irrelevant, and immaterial. It is unclear which oral or written statements Plaintiff is referring.
4. Deposition excerpts: Plaintiffs Deposition

Pages: cited in brief in opposition to motion for summary judgment

- a. Pp. 21-43: (**Objection**: statements are self serving, hearsay attempting to conclude or establish purported events as being

“similarly situated”; these statements are the result of second and possible even third hand information; Fed R. Evid. 803; these statements also refer to Defense exhibits 14 and 15 that are the Plaintiff’s own compilation of hearsay, attempting to restate a summary of purported events that she claims are “similarly situated”; the Defendants object to these as well)

- b. Pp. 53-54: Objection: statements are self serving hearsay attempting to conclude or establish purported events as being similarly situated; these statements are the result of second and possible even third hand information; Fed R. Evid. 803**
- c. Pp. 60-62: Objection: statements are self serving hearsay attempting to conclude or establish purported events as being similarly situated; these statements are the result of second and possible even third hand information; Fed R. Evid. 803**
- d. P. 89: Objection: statements are self serving hearsay attempting to conclude or establish purported events as being similarly situated; these statements are the result of second and possible even third hand information; Fed R. Evid. 803**
- e. P.90: Objection: statements are self serving hearsay attempting to conclude or establish purported events as being similarly situated; these statements are the result of second and possible even third hand information; Fed R. Evid. 803**
- f. Pp. 93-94: Objection: statements are self serving hearsay**

attempting to conclude or establish purported events as being similarly situated; these statements are the result of second and possible even third hand information; Fed R. Evid. 803

g. Pp. 160-162: Objection: these are self serving conclusions made by the Plaintiff that go beyond her qualifications and knowledge. They further invade the province of the trier of fact. Fed R. Evid. 701-704

5. Montgomery Police Incident Report: Sgt. Crow: Objection: statements are self serving hearsay attempting to conclude or establish purported events as being similarly situated; Fed R. Evid. 803

WHEREFORE THE ABOVE CONSIDERED, the Defendants respectfully request that the above exhibits be excluded from admission unless and until the Plaintiff can properly offer as evidence.

Respectfully submitted,

Kim T. Thomas (THO115)
General Counsel
Deputy Attorney General

/s/Greg Biggs (BIG004)
Greg Biggs (BIG004)
Assistant Attorney General
Assistant General Counsel

ADDRESS OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have on this the 29th day of August, 2006, electronically filed the forgoing document with the Clerk of the Court using the CM/ECF system and that I served a copy of the foregoing document via United States Mail, postage prepaid, first class, on :

A.WESLEY PITTERS, P.C.
Attorney for the Plaintiff
1145 South Perry Street
P.O.Box 1973
Montgomery, AL 36102-1973

by placing a copy of the same in the United States Mail, First Class postage prepaid and properly addressed.

Greg Biggs (BIG004)
Greg Biggs (BIG004)
Assistant Attorney General
Assistant General Counsel